

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2909/05-06

(These minutes have been  
seen by the Administration)

Ref : CB2/BC/11/04

**Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005**

**Minutes of the 29<sup>th</sup> meeting  
held on Tuesday, 9 May 2006 at 10:45 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Andrew CHENG Kar-foo (Chairman)  
Hon Albert CHAN Wai-yip (Deputy Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Hon Howard YOUNG, SBS, JP  
Dr Hon YEUNG Sum  
Hon Emily LAU Wai-hing, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, JP  
Hon LI Kwok-ying, MH  
Hon Alan LEONG Kah-kit, SC  
Dr Hon KWOK Ka-ki  
Hon WONG Ting-kwong, BBS  
Hon Albert Jinghan CHENG  
Hon KWONG Chi-kin

**Members absent** : Hon Fred LI Wah-ming, JP  
Hon Abraham SHEK Lai-him, JP  
Dr Hon Joseph LEE Kok-long  
Hon LEUNG Kwok-hung

**Public Officers attending** : Ms Julina CHAN  
Principal Assistant Secretary for Health, Welfare and Food  
(Health)

Dr T H LEUNG, JP  
Deputy Director of Health

Dr Cindy LAI  
Assistant Director of Health  
(Special Health Service)

Miss Shandy LIU  
Senior Government Counsel  
Department of Justice

Mr Alan CHONG Ka-ning  
Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Doris CHAN  
Chief Council Secretary (2) 4

**Staff in attendance** : Miss Monna LAI  
Assistant Legal Adviser 7

Miss Mary SO  
Senior Council Secretary (2)8

Miss Maggie CHIU  
Legislative Assistant (2) 4

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**I. Meeting with the Administration**  
(LC Paper Nos. CB(2)1904/05-06(01) and CB(2)1924/05-06(01))

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration undertook to -

- (a) consider stipulating that all qualified establishments must be completely segregated from statutory no smoking areas and with their own entrances;
- (b) seek the views of operators of mahjong clubs again on the requirements stipulated in section 5(c)-(e) of new Schedule 5; and

- (c) find out from the operators of nightclubs whether they had any difficulty in complying with section 6(b) of new Schedule 5.
3. At the request of the Bills Committee, the Administration agreed to -
- (a) delete “restaurant premises” from section 5(e) of new Schedule 5;
  - (b) consider stipulating in section 7(5) of new Schedule 5 that the Director of Health (the Director) must publicise the list of qualified establishments on the Department of Health’s website;
  - (c) consider replacing “may” referred to in section 7(3) of new Schedule 5 with “shall”;
  - (d) consider providing a person in charge, as referred to in section 1 of new Schedule 5, with an opportunity to appeal against the decision of the Director to remove the name and address of an establishment from the list of qualified establishments; and
  - (e) address the problem that a person in charge, as referred to in section 1 of new Schedule 5, would not be liable to any offence if he/she operated his/her establishment as a qualified bar, qualified mahjong club or qualified nightclub without first having the name and address of his/her establishment included in the list of qualified establishments maintained by the Director, regardless of whether the establishment concerned met all the entry restrictions for a qualified bar, qualified mahjong club or qualified nightclub.

## **II. Date of next meeting**

- 4. The Bills Committee would next meet on 12 May 2006 from 8:30 am to 10:30 am.
- 5. Members agreed to cancel the additional meeting scheduled for 27 May 2006 from 9:00 am to 12 noon.
- 6. The Administration undertook to provide the revised Committee Stage amendments prior to the meeting scheduled for 16 May 2006.
- 7. There being no other business, the meeting ended at 12:52 pm.

**Proceedings of the 29<sup>th</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Tuesday, 9 May 2006 at 10:45 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 – 010045	Chairman Admin Mr Howard YOUNG Mr Tommy CHEUNG Ms Emily LAU Mr Albert CHAN ALA7 Mr WONG Ting-kwong Mr Vincent FANG	Continue discussion on draft Committee Stage amendments (version as at 2 May 2006) provided by the Administration (LC Paper No. CB(2)1904/05-06(01)) <hr/> <i>Section 5 of new Schedule 5 – meaning of a qualified mahjong club</i>  The Administration agreed to -  (a) consider stipulating that all qualified establishments must be completely segregated from statutory no smoking areas and with their own entrances;  (b) seek the views of operators of mahjong clubs again on the requirements stipulated in section 5(c)-(e) of new Schedule 5; and  (c) delete “restaurant premises” from section 5(e) of new Schedule 5.  The Administration undertook to provide the revised Committee Stage amendments (CSAs) prior to the meeting scheduled for 16 May 2006.	          ✓ (Admin to provide a written response)      ✓ (Admin to provide the revised CSAs)
010046 – 013412	Admin Mr Tommy CHEUNG Ms Emily LAU Mr Vincent FANG Mr WONG Ting-kwong Mr Howard YOUNG Mr Martin LEE	<i>Section 6 of new Schedule 5 – meaning of a qualified nightclub</i>  The Administration undertook to find out from the operators of nightclubs whether they had any difficulty in complying with section 6(b) of new Schedule 5	       ✓ (Admin to provide a written response)

Time marker	Speaker	Subject	Action required
013413 – 020451	Admin Ms Emily LAU Mr Tommy CHEUNG Mr Alan LEONG ALA7	<p><i>Section 7 of new Schedule 5 – List of qualified establishments</i></p> <p><i>Section 8 of new Schedule 5 – Person in charge to inform the Director of a charge in respect of qualified establishment</i></p> <p><i>Section 9 of new Schedule 5 – Removal of name and address from the list of qualified establishments</i></p> <p>The Administration agreed to -</p> <p>(a) consider stipulating in section 7(5) of new Schedule 5 that the Director of Health (the Director) must publicise the list of qualified establishments on the Department of Health’s website;</p> <p>(b) consider replacing “may” referred to in section 7(3) of new Schedule 5 with “shall”;</p> <p>(c) consider providing a person in charge, as referred to in section 1 of new Schedule 5, with an opportunity to appeal against the decision of the Director to remove the name and address of an establishment from the list of qualified establishments; and</p> <p>(d) address the problem that a person in charge, as referred to in section 1 of new Schedule 5, would not be liable to any offence if he/she operated his/her establishment as a qualified bar, qualified mahjong club or qualified nightclub without first having the name and address of his/her establishment included in the list of qualified establishments maintained by the Director, regardless of whether the establishment concerned met all the entry restrictions for a qualified bar, qualified mahjong club or qualified nightclub.</p>	<p style="text-align: center;">✓</p> <p>(Admin to provide a written response)</p>
020452 – 020526	Chairman	Date of next meeting	